

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7463

Petition of Jeffrey M. Resnick vs. Green Mountain)	Hearing at
Power Corporation in re: service quality issues)	Montpelier, Vermont
)	September 16, 2008

Order entered: 7/24/2009

PRESENT: Jay E. Dudley, Hearing Officer

APPEARANCES: Laura Scanlan Believeau, Esq.¹
for Vermont Department of Public Service

Edward V. Schwiebert, Esq.
Kenlan, Schwiebert, Facey & Goss, P.C.
for Petitioner, Jeffrey M. Resnick

Benjamin Marks, Esq.
Sheehey, Furlong & Behm, P.C.
for Green Mountain Power Corporation

ORDER RE: QUALITY OF SERVICE COMPLAINT

I. INTRODUCTION

This docket concerns a petition filed with the Vermont Public Service Board ("Board") by Mr. Jeffrey Resnick ("Petitioner" or "Mr. Resnick") in which he complains that Green Mountain Power Corporation ("GMP" or the "Company") failed to respond properly during a power outage that occurred in June, 2008. Specifically, Mr. Resnick asserts that GMP did not act in a timely fashion to remove trees that had fallen over power lines during a storm, causing loss of his electric service and blocking access to and from his residence. In his petition, Mr. Resnick requests that the Board investigate several aspects of GMP's policies and procedures related to

1. Notice of Appearance entered, but did not attend hearing.

customer relations and emergency response. He also requests that the Board impose appropriate sanctions against GMP in this case.

II. PROCEDURAL HISTORY

On July 7, 2008, Mr. Resnick filed his petition with the Board pursuant to 30 V.S.A. Sections 208.

On September 16, 2008, a technical hearing was held in this docket. In attendance at the hearing were: Edward V. Schwiebert, Esq., Kenlan, Schwiebert, Facey & Goss, P.C., representing Mr. Resnick; and Benjamin Marks, Esq., Sheehey, Furlong & Behm, P.C., representing GMP.

Based upon the evidence of record and the testimony and exhibits presented in this docket, I hereby report the following findings and conclusion to the Board in accordance with 30 V.S.A. § 8.

III. FINDINGS

1. Mr. Resnick lives at 211 Cider Hill Road, Warren, Vermont (the "Property"), and receives his electric service from GMP. Tr. 9/16/08 at 8, 11 (Resnick).

2. Mr. Resnick's residence is located on the Property on a steep hilltop and is accessed by a driveway a third of a mile long consisting of switchbacks up the hillside leading to the top of the hill. Tr. 9/16/08 at 10, 11 (Resnick).

3. GMP holds an easement on the Property that follows the switchback road to a transformer near the Resnick residence. GMP lines and poles are located within the easement. Tr. 9/16/08 at 10, 11 (Resnick).

4. On the afternoon of June 10, 2008, a thunderstorm downed five trees across Mr. Resnick's driveway, cutting off electric power, causing a small fire, and blocking access to the Resnick residence. Tr. 9/16/08 at 12, 13 (Resnick).

5. On June 10, 11, and 12, 2008, Mr. Resnick had several telephone communications with GMP representatives concerning this situation. Tr. 9/16/08 at 15-20 (Resnick).

6. On June 10, 2008, Mr. Resnick telephoned GMP to report the power outage and to advise GMP that the downed trees were completely blocking access between his house and Cider Hill Road. Mr. Resnick inspected the scene and found it to be impassable even by foot. Tr. 9/16/08 at 13, 14 (Resnick).

7. During this June 10 phone call, Mr. Resnick explained to the GMP representative that he was concerned about emergency access to his property, and he requested that GMP remove the trees from his driveway as soon as possible. Mr. Resnick also offered to arrange independently to have a private contractor remove the trees if GMP could confirm that the power lines that had been brought down by the trees were not energized. Tr. 9/16/08 at 12-14 (Resnick).

8. During Mr. Resnick's June 10 telephone conversation with GMP, the GMP representative stated that the Company could not comply with his requests relating to removal of the downed trees because of the high volume of outages throughout GMP's service territory that day. Tr. 9/16/08 at 12-14 (Resnick).

9. On June 11, 2008, Mr. Resnick made five telephone calls to GMP. Tr. 9/16/08 at 15-20 (Resnick).

10. The first June 11 telephone call was made in the morning because Mr. Resnick's power had not been restored and the downed trees were still blocking access between his residence and Cider Hill Road. During this telephone conversation, Mr. Resnick again requested that GMP either remove the trees or verify that the lines were safe for private removal. Tr. 9/16/08 at 12-14, 24 (Resnick).

11. During this first telephone conversation, Mr. Resnick first spoke with a GMP customer service representative and insisted on speaking with a supervisor. He was then transferred to Mary Morris of Customer Service. Tr. 9/16/08 at 15-16 (Resnick).

12. Ms. Morris told Mr. Resnick that GMP's crews were still busy restoring service to other locations. She suggested that Mr. Resnick call 911 if he experienced a life-threatening emergency. Tr. 9/16/08 at 16 (Resnick).

13. Mr. Resnick telephoned GMP for the second time on June 11, at approximately 5:15 p.m. His electric power still had not been restored, and the downed trees were still blocking access between his residence and Cider Hill Road. He asked to speak with Christopher Dutton, President and Chief Executive of GMP. A GMP representative informed him that Mr. Dutton had left for the day and asked him if he would like to leave a voice mail message with Mr. Dutton's secretary. Mr. Resnick left a voice mail message. Tr. 9/16/08 at 18 (Resnick).

14. Mr. Resnick telephoned GMP for a third time on June 11, at approximately 6:30 p.m. Mr. Resnick spoke with a GMP employee and asked to speak with a supervisor. The GMP employee informed Mr. Resnick that no supervisors were on duty at that time. Tr. 9/16/08 at 18 (Resnick).

15. Mr. Resnick telephoned GMP for a fourth time on June 11, at approximately 8:30 p.m. Mr. Resnick again explained his situation to a GMP representative who abruptly hung up on Mr. Resnick during the course of their conversation. Tr. 9/16/08 at 19 (Resnick).

16. After this fourth call, Mr. Resnick attempted to access the "emergency and life threatening" option of GMP's automated phone system; however, after waiting in the queue approximately twenty minutes for the system to respond, he was disconnected before speaking with a representative. Tr. 9/16/08 at 20 (Resnick).

17. Later on June 11, Mr. Resnick made a second attempt to access GMP's automated system and was again placed in the "emergency" queue. Mr. Resnick waited in the queue for approximately twenty-seven minutes but received no response. Tr. 9/16/08 at 20 (Resnick).

18. On June 12, 2008, at or about noon, GMP restored electric power to Mr. Resnick's residence and removed the trees that had been blocking access between his residence and Cider Hill Road. Tr. 9/16/08 at 23 (Resnick).

19. After electric power was restored to Mr. Resnick's residence, Mr. Resnick continued to communicate with Mr. Dutton concerning this incident: The two of them spoke on the telephone on June 12, 2008. They also exchanged letters on June 15, 2008, and July 10, 2008. These communications failed to resolve Mr. Resnick's concerns about GMP's actions during the June 10-12 electric power outage. Tr. 9/16/08 at 21-22 (Resnick); Pet. Exh. 1 at 1-2; Pet. Exh. 2 at 1-2.

20. The storm of June 10, 2008, was a two-phase event with the second band of weather causing substantial damage to GMP's system, resulting in outages for approximately five thousand GMP customers. Tr. 9/16/08 at 36 (Pughe).

21. GMP's policy is to restore power to the maximum number of customers in the shortest amount of time. Tr. 9/16/08 at 33 (Pughe).

22. It is GMP's standard operating procedure never to inform a customer that a downed power line is safe to handle since lines can pick up electricity from other sources. Tr. 9/16/08 at 37 (Pughe).

23. GMP does not currently have a policy or protocol that prioritizes tree clearing during an electric power outage for areas where ingress or egress to private property is blocked off due to downed trees. Tr. 9/16/08 at 51-54 (Pughe).

24. GMP's call-in system offers customers a life-threatening emergency option; however, customers who choose this option are placed in GMP's automated queue and are not routed through on a priority basis. Tr. 9/16/08 at 41 (Pughe).

25. GMP will not contact E-911 on behalf of a customer who reports a life-threatening emergency. GMP personnel instruct customers to contact E-911 themselves. Tr. 9/16/08 at 48 (Pughe).

26. E-911 and emergency services personnel possess an unlisted "back door" phone number to GMP's dispatch center which by-passes the automated queue and puts them in direct contact with a GMP dispatcher in the event emergency responders need assistance in getting access to a site. In those situations, GMP will dispatch a crew to make conditions safe for emergency services to obtain access. Tr. 9/16/08 at 34, 40-41 (Pughe).

27. GMP adjusts staffing levels at the call center during storm events based on call volumes. On the night of June 11, 2008, the call center was staffed-down to one person between 7:00 p.m. and 10:00 p.m. Tr. 9/16/08 at 75-76, 90-95 (Morris).

28. After the June 10, 2008, storm, GMP conducted a routine review of its overall storm response and determined that additional staff should have been available to answer calls on the night of June 11. Tr. 9/16/08 at 102, 107 (Morris).

29. GMP is in the process of upgrading its outage-management phone system so that customers will be provided with clearer instructions and will have more opportunities to exit the recording mode in order to speak with a live person. Tr. 9/16/08 at 68-69 (Morris).

IV. DISCUSSION & CONCLUSION

The Petitioner contends that GMP did not provide him with adequate, reliable or safe service during the storm event of June 10, 2008, due to GMP's delay in removing trees that had fallen over power lines causing loss of his electric service and blocking access to and from his residence for up to 40 hours. The Petitioner contends that this resulted in an unsafe and life-threatening situation since emergency responders had no way to access his property nor did he have any way to exit. In addition, the Petitioner asserts that he made several attempts to communicate his situation to GMP personnel and management, but was informed in each case that his situation did not constitute an emergency or a priority under current GMP policies and procedures.

GMP argues that it responded appropriately to the Petitioner's requests and that it met all of the requirements of its *Service Quality and Reliability Plan* ("SQRP") both during and immediately after the storm event of June 10, 2008. GMP further contends that the Petitioner's situation constituted neither an emergency nor a life-threatening situation requiring special treatment or consideration by GMP.

As outlined above, the Petitioner has complained that GMP failed to respond properly to his concerns about emergency access to his home during an electric power outage that occurred in June, 2008. As a result of the storm, trees had fallen over electric power lines, causing loss of the Petitioner's electric service and blocking access to and from his home. GMP's response to the Petitioner's attempts to have GMP address the matter of access between his residence and the road at the end of his driveway have raised questions about GMP's policies and practices with regard to customer service and emergency response.

Communication between the Petitioner and GMP concerning the fallen trees was repeatedly unsuccessful. First, the Petitioner experienced problems with utilizing GMP's call-in number to speak with GMP personnel. These problems included apparent technical failures of

the "emergency and life threatening" option of GMP's automated phone system which resulted in dropped calls, unresponsiveness, and wait times exceeding twenty minutes.² In addition, the Petitioner was unable to speak directly with a supervisor or a member of GMP's management team since none were on duty the night of June 11, 2008.³

Second, when the Petitioner finally was connected with GMP customer service personnel, he was informed that GMP could not help him with respect to access to and from his property. He was repeatedly given the same standardized response that GMP crews were busy restoring power to other locations. Mary Morris, who managed GMP's customer service department at that time, also responded in the same manner but suggested that the Petitioner contact E-911 in the event of an emergency. At no time during these calls is it apparent that any GMP employee expressed empathy or interest in the Petitioner's situation. Indeed, the Petitioner's plight was further exasperated by his poor experience with one GMP staffer who abruptly hung up on him in the middle of their conversation.

Finally, it is apparent from the record in this case that when the Petitioner communicated with GMP, including Christopher Dutton, the point of his concern was not comprehended by GMP. Mr. Dutton, and GMP staffers, focused singularly upon the issue of restoring power to the most customers as quickly as possible to the exclusion of addressing other significant legitimate concerns raised by the Petitioner.⁴ This failure to fully comprehend the scope of the Petitioner's situation or his needs during the time of the outage appears to have been systemic and occurred consistently with all GMP employees who spoke directly with the Petitioner. Rather than responding to the Petitioner's legitimate concerns about tree removal and emergency access to his property, GMP personnel chose instead to focus on the issue of power restoration to his residence.⁵ Additionally, it appears from the evidence that because the Petitioner mentioned the fact that he had back-up power generation available, his concerns were not given due

2. Tr. 9/16/08 at 20 (Resnick).

3. *Id.* at 18.

4. *Id.* at 21-26; Pet.'s exh. 1 at 2; Pet.'s exh. 2 at 1-2; Pet.'s exh. 4 at 2.

5. *Id.*

consideration by GMP.⁶ Consequently, it is apparent that rigid adherence to procedure by GMP personnel contributed to the level of indifference and inflexibility experienced by the Petitioner when communicating with GMP staff. It is also apparent that GMP's procedure does not afford GMP staff sufficient flexibility or discretion to deal with a situation that did not strictly conform to GMP guidelines. Although it is clear that the severity of the storm outage was a contributing factor in this case, it is also clear that the Petitioner's concerns about access were not given sufficient weight by GMP, and that there was never any intent by GMP to respond differently than it did.

In addition, the evidence in this docket indicates that there are several problems with GMP's system for responding to potential (and actual) emergency situations. GMP currently interacts with the E-911 system via an unlisted "back door" phone number known only to emergency services.⁷ This number connects directly to GMP's dispatch center and by-passes the automated queue putting first responders in direct contact with a GMP dispatcher. GMP relies solely on this form of primary contact in order to determine an appropriate response to an emergency situation. The problem with this approach is that it excludes those customers who may have an emergency which is not life-threatening, but nonetheless imperils the safety or well-being of that customer. The experience of the Petitioner as described in this docket exemplifies such a situation and underscores the need for GMP to re-examine its processes and procedures in this area.

In addition, the abrupt termination by a GMP staffer of a phone call placed by Mr. Resnick on the night of June 11 is an indication that deficiencies may exist in GMP's training of staff in handling consumer complaints during crisis situations. During the course of her testimony, Mary Morris acknowledged that the responses, or lack thereof, that Mr. Resnick experienced on the night of June 11 indicated "very poor performance" on GMP's part, and she characterized Mr. Resnick's experience as "shocking."⁸ This serves as additional indication of

6. Pet. Exh. 4 at 1-2.

7. Tr. 9/16/08 at 34, 40-41 (Pughe).

8. Tr. 9/16/08 at 74-75 (Morris).

the need for GMP to re-evaluate and revise its procedures on how GMP personnel handle and respond to customer emergencies.

Accordingly, I recommend that GMP conduct a thorough evaluation of its standard operating procedures and training programs, including its *Service Quality and Reliability Plan* ("SQRP"), with the goal of incorporating a greater degree of flexibility on the part of GMP personnel in appraising crisis situations and proposing appropriate courses of action. A key component of this review must include consideration of prioritizing non-access to and from a customer's property as an emergency situation deserving of special consideration by GMP. Further, appropriate staffing levels both during and immediately after a major storm event, especially in relation to supervisory staff and upper management, must also be evaluated given that the Petitioner was unable to speak directly with a decision-maker during his emergency.

In addition, it is clear that the "emergency and life threatening" option of GMP's automated phone system is defective and of no use to consumers during a major power outage if it drops calls or is easily overwhelmed by high caller volume. GMP has testified that it has replaced that automated system with a new and improved system.⁹ To ensure that the new system is an improvement over the old system, GMP should be required to file a status report with the Board to that effect.

In conclusion, the evidence indicates that GMP did not respond reasonably to the Petitioner's legitimate concerns and that this was largely brought about by deficiencies in the areas of staffing, policies, training, and GMP's automated phone system. I therefore recommend that the Board require GMP to conduct a thorough review and assessment of its current procedures, policies and training programs as they relate to the proper assessment and prioritization by customer service and management personnel of non-life-threatening consumer emergencies (in particular blocked property access) during storm outages or crisis situations, with the objective of addressing and correcting GMP's deficiencies in those areas as highlighted in this docket.

This Proposal for Decision has been served on all parties to this proceeding in accordance with 3 V.S.A. § 811.

9. Tr. 9/16/08 at 68-69 (Morris).

Dated at Montpelier, Vermont this 24th day of July, 2009.

s/Jay E. Dudley
Jay E. Dudley
Hearing Officer

V. BOARD DISCUSSION

In his Proposal for Decision ("PFD"), the Hearing Officer has recommended that we accept and adopt his conclusion that GMP did not respond reasonably to the Petitioner's service quality concerns as outlined above, and that this unresponsiveness was due in large part to deficiencies in the areas of staffing, policies, training, and GMP's automated phone system. The Hearing Officer also recommends that we require GMP to conduct a thorough evaluation of its current standard operating procedures and training programs in order to determine whether or not GMP should take corrective action in those areas based upon the facts in this proceeding.

The parties to this proceeding filed comments on the Hearing Officer's Proposal for Decision and we summarize those comments below. We have thoroughly reviewed the parties' comments, the Hearing Officer's recommendations, and the record evidence. We have determined, after careful deliberation, to substantially modify the Hearing Officer's proposed decision, as more fully explained below.

Parties' Comments on the Proposal for Decision

GMP

GMP contends that its response during the storm event of June 2008 was reasonable. GMP argues that its policy of restoring power to the greatest number of customers in the shortest amount of time is based on its obligation to provide service on a non-preferential, non-discriminatory basis, which is consistent with sound, long-standing Vermont utility practices. The only exception to this policy would be in the event of an imminent emergency which threatens life or property. To respond otherwise, GMP argues, would require the Company to make individual determinations of need, weighing the needs of some customers against others, in deciding how to allocate service-restoration resources. Such a dramatic shift in policy, GMP asserts, would be both impractical and unreasonable. GMP argues that the language in the PFD may lead to such an unwarranted deviation in storm-restoration policy, not only for the Company, but for other utilities as well, and recommends that the Board set aside that portion of the Hearing Officer's decision. At the same time, GMP also states that it does not object to the Hearing Officer's recommendation requiring the Company to evaluate its storm response in this

case, and is agreeable to examining whether any improvements can be made in responding to downed trees following a storm.

GMP further contends that the record shows that the Petitioner's life and safety were not imperiled during the storm event. GMP argues that it consistently followed its storm-management plan by advising the Petitioner to call E-911 in the event of a life-threatening emergency. GMP asserts that its policy of "back door" communications with E-911 dispatchers, and its reliance on E-911 personnel to determine whether or not a life-threatening emergency exists, is both effective and appropriate since E-911 responders have the training and expertise to make such assessments and direct utilities accordingly on an expedited basis. Therefore, GMP recommends that the Board find that the Company's current method of communicating with E-911 personnel is reasonable, and that public utilities should not be engaged in the practice of determining the level of need among customers on an individual basis.

Additionally, GMP argues that the presence of the Petitioner's home generator posed risks for the Company's work crews which the Hearing Officer failed to take into consideration in his PFD. Specifically, GMP points to the fact that power lines can pick up electricity from a customer's generator, resulting in an unsafe situation for utility crews. GMP asserts that if utility crews are aware that such generation exists, they will approach a home with caution which may in turn result in delaying restoration of power to that home. GMP requests that the Board take this factor into consideration when deciding whether or not the Petitioner received adequate service.

Lastly, GMP disputes the Hearing Officer's conclusion that communications between the Petitioner and GMP were repeatedly "unsuccessful." GMP argues that the record shows that the Company's restoration policy was communicated clearly and repeatedly to the Petitioner by different GMP employees, including the President and Chief Executive of the Company. The fact that the Petitioner received similar responses at all levels, GMP asserts, is indicative of the Company's commitment to its obligation of providing service on a non-discriminatory basis. GMP argues the Petitioner's failure to receive the immediate service he had requested does not constitute a basis for concluding that these communications were not successful. GMP reiterates that it would have been unreasonable for the Company to provide the Petitioner with preferential

treatment in the absence of a real emergency. Therefore, GMP requests that the Board reject the Hearing Officer's conclusion that the Company's communication with the Petitioner was unsuccessful.

Department of Public Service

The Department of Public Service (the "Department") largely agrees with the comments filed by GMP and contends that the PFD reaches the wrong conclusions on whether GMP fully comprehended, or empathized with, the scope of the Petitioner's situation.

The Department contends that GMP adhered to appropriate and traditional storm protocol by restoring power to the greatest number of customers in the shortest period of time before moving on to more remote areas. The Department argues, in agreement with GMP, that the Petitioner was not in an emergency situation, especially when compared with the plight of 5,000 GMP customers who were without power due to damage from a severe storm. The Department contends that re-prioritizing utility crews during such an event in order to attend to a non-life-threatening, non-emergency situation for a single customer would not have been in the public interest. Moreover, the Department argues that the language in the PFD may cause other utilities to deviate from their traditional storm protocols resulting in those utilities reallocating resources to satisfy the needs of individual customers as opposed to restoring power to the majority of customers.

The Department disputes the Hearing Officer's conclusion that GMP employees did not comprehend the Petitioner's concerns or that they failed to express interest or empathy in the Petitioner's situation. The Department argues that GMP responded consistently and appropriately in explaining its storm protocol to the Petitioner and that the Petitioner had ample opportunities to discuss his concerns with GMP staff, including the President of the Company. The Department contends that nothing in the record supports the Hearing Officer's conclusion that GMP failed to fully understand the Petitioner's situation.

The Department does not object to the Hearing Officer's proposal requiring GMP to conduct an evaluation of its standard operating procedures, SQRP, training programs, and staffing levels as they relate to the handling of customer complaints. However, the Department

does request that the Board not adopt any findings which would result in utilities altering their traditional storm-response policies or changing the consistency and uniformity of SQRPs for all of Vermont's distribution utilities.

Jeffrey M. Resnick

The Petitioner supports the PFD's conclusions but objects to the Department's late participation and involvement in this docket as contrary to the Board's Rules of Procedure and the Rules of Civil Procedure. The Petitioner asserts that the Department's filed comments constitute an attempt by the Department to introduce additional facts in this proceeding after the record had been closed. The Petitioner also argues that the Department misses the issue at the heart of the Petitioner's complaint in that the Petitioner was not seeking special treatment but merely confirmation from GMP that the fallen trees could be safely removed by private means at the Petitioner's expense. The Petitioner contends that he does not disagree with, or oppose, GMP's storm policy of restoring power to the greatest number of customers in the shortest amount of time, and disputes the Department's conclusion that the PFD places such a policy in jeopardy. Accordingly, the Petitioner requests that the Board not give the Department's comments or involvement in this docket any credence.

Discussion and Conclusions

We do not concur with the Hearing Officer's conclusion that GMP failed to respond reasonably to the Petitioner's concerns, nor his related conclusions that GMP did not fully comprehend the nature of the Petitioner's plight, or that the Petitioner's situation constituted an emergency. On these issues, the Hearing Officer found that GMP's strict adherence to its policy of restoring power to the greatest number of customers in the shortest amount of time prevented GMP from properly assessing the Petitioner's concerns, causing GMP to essentially brush-off the Petitioner's situation as a non-priority. While we sympathize with the Petitioner's ordeal and his sense of frustration, the facts in the record are clear that the Petitioner was not in a life-threatening situation and that GMP's reliance on the E-911 system to determine which situations constitute an emergency is both reasonable and appropriate. In addition, our review of the

record, and our past experience with the traditional outage policies of electric utilities, leads us to conclude that the benefits of such policies, that is, restoring power to the greatest number of customers on a non-preferential basis, far outweigh the alternative of diverting limited resources to respond on an ad hoc basis to the distress calls of individual customers. Such traditional policies have served the public interest well over the years and we do not wish to create the impression that utilities should deviate from those policies now. Likewise, the language in the PFD may also negatively affect the traditional consistency of SQRPs among utilities, and we believe that such consistency is in the public interest and should not be modified. Accordingly, we set aside the Hearing Officer's conclusions in those areas.

Further, we do not agree with the Hearing Officer's conclusion that the Petitioner's primary issue, that is, blocked property access and the Petitioner's willingness to privately clear the blockage, was completely missed or misunderstood by GMP. The record makes clear that as a matter of policy GMP never informs a customer that a downed power line is safe to handle. The basis for this policy is firmly established in the traditional safe-practices of utility companies since it is commonly understood that downed power lines can pick up electricity from other sources such as lightening strikes and home generators. Indeed, as the record shows, the work crews themselves may not always be sure that a downed power line is de-energized and safe. For that reason, work crews will typically approach any downed line as potentially "hot" and ground that line to make it safe before commencing work on it. We believe that this practice underscores the fact that downed power lines should only be handled by professionals and not the general public. Although GMP, like many electric utilities, does not provide tree clearing services and relies on private tree trimming contractors for tree clearing, those contractors are trained to wait for the arrival of line crews to make the area safe before initiating tree removal. In weighing these important safety factors against the Petitioner's request for service, we recognize that de-energizing the lines in order to have the trees removed is not a simple matter as the Petitioner apparently believes. By complying with the Petitioner's request, GMP would have diverted a work crew away from important restoration efforts, possibly for several hours, resulting in an unnecessary and unwarranted delay in restoring power to many other customers. As we noted above, the Petitioner was not experiencing a life-threatening emergency, and such a

decision by GMP would run contrary to traditional and reasonable storm restoration protocols which we fully support. Therefore, we conclude that GMP's exercise of standard precautions in this area, and its reluctance to confirm that the power lines were safe to handle as the Petitioner had requested, were both appropriate and necessary, and should not be misconstrued as a failure by GMP to comprehend the "heart" of the Petitioner's issue.

We are also persuaded by GMP's argument that homes equipped with emergency power generation units pose special safety risks to the Company's work crews, and that the Hearing Officer should have given more weight to those considerations in the PFD. As the record indicates, customer-installed generators, if installed incorrectly, can send power down the line thus complicating or delaying restoration efforts by work crews since it is not always apparent to them which homes are so equipped. In such situations, GMP is correct in placing the safety of its crews ahead of the concerns of an individual property owner by having those crews approach these situations with caution. In this case, GMP was aware of the Petitioner's backup power generator and proceeded accordingly. Therefore we conclude that GMP's standard precautions in this instance were reasonable and did not adversely affect the adequacy of service provided to the Petitioner.

In addition, we do not agree with the Hearing Officer's determination that the Petitioner's communications with GMP were ultimately unsuccessful. With the exception of the Petitioner's poor experience with the Company's automated phone system, and the unprofessional behavior of one GMP employee, the record clearly shows that the Petitioner was able to convey his concerns to several GMP representatives, including the Company's Chief Executive. The responses of those representatives were generally consistent according to GMP's storm protocol. The fact that the Petitioner did not receive an immediate solution to his problem is not an indication that GMP never intended to respond or failed to recognize the severity of the Petitioner's problem.

We do, however, agree with the Hearing Officer's overall conclusion that the Petitioner's situation was not handled particularly well by GMP, and that the issues raised in this proceeding have brought to light certain deficiencies in the Company's automated phone system and the

ability of GMP staff to professionally assist distressed customers in crisis situations.¹⁰ Specifically, the record shows that the "life-threatening emergency" option of the phone system failed to transfer calls, caused excessive wait times, and even dropped the calls of the Petitioner on the night of the storm. Such an emergency option is of little use to customers if it fails to function properly, and is easily overwhelmed, during a real emergency. The record also shows that GMP staffed-down its call center immediately after the storm, despite the fact that work crews were still busy in the field, and many customers remained without power. Although the number of calls coming into the center had lessened at that time, the decision to staff-down may have been premature given that the impact of the storm on many customers had not yet diminished.

Of additional concern is the incident where the Petitioner's phone conversation with an employee of the Company was abruptly terminated by that employee in mid-conversation, needlessly exacerbating the Petitioner's sense of frustration with GMP. Such conduct on the part of a utility employee is never justified, especially during a crisis situation when ratepayers expect and depend upon those employees to perform at their professional best. As a result, we share the Hearing Officer's concern that this may be indicative of lapses in GMP's training of front-line personnel who are responsible for fielding such calls during storm events.

Therefore, in light of the foregoing conclusions and facts in the record, we set aside the Hearing Officer's determinations in the areas we highlighted above, but adopt and modify the Hearing Officer's recommendation with respect to GMP conducting a thorough evaluation of its standard operating procedures, staffing levels, training programs, and SQRP, as they relate to deficiencies in GMP's automated telephone system and how GMP personnel handle customer complaints during storms and crisis situations.

With respect to the Petitioner's objection to the Department's involvement and participation in this docket, we note that the Department is a statutory party to this proceeding by virtue of 30 V.S.A. § 2. Further, we are not making new findings based on the comments filed

10. We understand from the record that GMP's automated phone system has been recently replaced by an updated system. Therefore, we concur with and adopt the Hearing Officer's recommended Condition #3 in this Order.

by the Department in this docket. Therefore, we conclude that the Petitioner's objection is without merit.

VI. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. We adopt the findings, conclusion, and recommendations of the Hearing Officer, as modified in the Board Discussion above.

2. Green Mountain Power Corporation ("GMP") shall conduct a thorough evaluation of its standard operating procedures, staffing levels, and training programs, including its *Service Quality and Reliability Plan*, as they relate to the deficiencies in customer service and GMP's phone system identified in this docket. The scope of the evaluation must include a review of how GMP assesses, prioritizes, and responds to consumer complaints during storm outages and crisis situations, including situations involving downed trees and blocked property access. A final report to the Board on this evaluation, to include GMP's findings and proposed corrective actions, if any, shall be due within 90 days from the date of this Order and shall be subject to Board approval. The Board retains authority to require GMP to implement additional corrective actions if the Board determines that GMP's report does not adequately address the deficiencies.

3. Within 60 days of the date of this Order, GMP shall provide the Board with a status report on the performance and adequacy of operation of GMP's new automated phone system.

Dated at Montpelier, Vermont, this 24th day of July, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: July 24, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@tsate.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.